

## **BUSINESS AND PROFESSIONS CODE SUMMARY OF CHANGES**

Enclosed is the text of Business and Professions Code (BPC), Division 3. "Professions and Vocations Generally" related to the pesticide regulatory program in California.

The following sections of the BPC were amended, adopted, or repealed with effective dates of 7/1/2006 through 1/1/2011

<b>BPC Section</b>	<b>Action</b>	<b>Leg Bill Number</b>	<b>Chapter Number</b>	<b>Statutes of</b>	<b>Effective Date</b>	<b>Reference</b>
					<b>2011</b>	
8520	Amended	SB 924	695	2010	1/1/2011	Structural Board
8522(b) (e)-(f)	Amended	AB 1736	238	2010	1/1/2011	Structural Board
8525	Amended	AB 1736	238	2010	1/1/2011	Program Authority
8528	Amended	SB 924	695	2010	1/1/2011	Extends Sunset
8536	Amended	AB 1736	238	2010	1/1/2011	Structural Board
8698	Amended	AB 1736	238	2010	1/1/2011	Structural Enf. Program
8698.1	Amended	AB 1736	238	2010	1/1/2011	Structural Enf. Program
8698.6	Amended	AB 1736	238	2010	1/1/2011	Sunset Date
					<b>2009</b>	
8507	Correction	N/A				Clean-up
8514	Correction	N/A				Clean-up
8551.5	Correction	N/A				Clean-up
8572	Section Added	AB 2423	675	2008	1/1//2009	Probationary Licenses
8623	Section Added	AB 2423	675	2008	1/1//2009	Criminal History
8698.5	Correction	N/A				Structural Civil Penalty Fees
8514	Amended	SB 1206	46	2008	1/1/2009	Branch 2 & 3 Advertising
8698	Amended	AB 2223	450	2008	1/1/2009	Adds San Diego to Program

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					<b>2008</b>	
8505.2	Amended	SB 1047	354	2007	1/1/2008	B1 Supervision
8505.3	Amended	SB 1047	354	2007	1/1/2008	B1 Supervision
8505.4	Amended	SB 1047	354	2007	1/1/2008	B1 Supervision
8505.15	Repealed	SB 1047	354	2007	1/1/2008	2 masks on site
8506.1	Amended	SB 1047	354	2007	1/1/2008	Clean-up language
8507	Amended	SB 1047	354	2007	1/1/2008	FR functions
8509	Amended	SB 1047	354	2007	1/1/2008	Principle office
8510	Amended	SB 1047	354	2007	1/1/2008	Clean-up language
8512	Amended	SB 1047	354	2007	1/1/2008	Clean-up language
8525	Amended	SB 1047	354	2007	1/1/2008	Clean-up language
8551.5	Amended	SB 1047	354	2007	1/1/2008	Clean-up language
8565.5	Amended	SB 1047	354	2007	1/1/2008	SPCB ed course
8591	Amended	SB 1047	354	2007	1/1/2008	Licensees - clarify
8592	Amended	SB 1047	354	2007	1/1/2008	Licensees - clarify
8610	Amended	SB 1047	354	2007	1/1/2008	Limits for QM's
8611	Amended	SB 1047	354	2007	1/1/2008	Display of license
8612	Amended	SB 1047	354	2007	1/1/2008	Display of license
8617	Amended	SB 1047	354	2007	1/1/2008	Stamps - clarify
8698	Amended	AB 126	379	2007	1/1/2008	Fume Enf Program
8698.1	Amended	AB 126	379	2007	1/1/2008	Fume Enf Program
8698.5	Amended	AB 126	379	2007	1/1/2008	Fume Enf Program
8698.6	Amended	AB 126	379	2007	1/1/2008	Fume Enf Program

<b>BPC Section</b>	<b>Action</b>	<b>Leg Bill Number</b>	<b>Chapter Number</b>	<b>Statutes of</b>	<b>Effective Date</b>	<b>Reference</b>
					<b>2007</b>	
None						
					<b>2006</b>	
8698	Amended	SB 230	42	2006	7/1/2006	Fume Enf Program
8698.1	Amended	SB 230	42	2006	7/1/2006	Fume Enf Program
8698.5	Amended	SB 230	42	2006	7/1/2006	Fume Enf Program
8698.6	Amended	SB 230	42	2006	7/1/2006	Fume Enf Program

An electronic link to the complete Business and Professions Code is available on the Structural Pest Control Board website: <http://www.pestboard.ca.gov> under the Reference Link

“View Laws and Regulations” or “Forms and Publications/Structural Pest Control Act”

If you have any questions please contact the Enforcement Branch Liaison assigned to your county.

***B&P Code  
Replacement Page Guide***

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Summary of Changes	Summary of Changes	1
8520-8538	8520-8538	2
8697-Blank Page	8697-Blank Page	2

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**Article 2. Administration**  
**Sections 8520-8536****8520.**

(a) There is in the Department of Consumer Affairs a Structural Pest Control Board, which consists of seven members.

(b) Subject to the jurisdiction conferred upon the director by Division 6 (commencing with Section 11401) of the Food and Agricultural Code, the board is vested with the power to and shall administer the provisions of this chapter.

(c) It is the intent of the Legislature that consumer protection is the primary mission of the board.

(d) This section shall become inoperative on July 1, 2015, and, as of that date is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2015, deletes or extends that date. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

**8520.1.** Protection of the public shall be the highest priority for the Structural Pest Control Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

**8521.** The board is composed of seven members, three of whom shall be, and shall have been for a period of not less than five years preceding the date of their appointment, operators licensed under this chapter actively engaged in the business of pest control and who are residents of this state, and four public members who shall not be licentiates of the board.

**8522.**

(a) Members of the board shall be appointed for a term of four years, subject to removal by the appointing power at his or her pleasure.

(b) Vacancies shall be filled by the appointing power for the unexpired term.

(c) Each member shall hold office until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs. No person shall serve as a member of the board for more than two consecutive terms.

(d) Each appointment shall be for a four-year term expiring four years after either the date of the appointment or the date a previous term expired.

(e) From the nominations received pursuant to subdivision (f), the Governor shall appoint two of the public members and the three licensed members qualified as provided in Section 8521. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies which occur on or after January 1, 1983.

**8522.**, continued

(f) (1) At least 60 days prior to appointment by the Governor of a public member or licensed member of the board, the director shall solicit nominations to the board from interested parties by mailing them a notice and by posting a notice on the department's Internet web site. Interested parties include, but are not limited to, members or representatives from the structural pest control industry and organizations representing consumer, environmental, and real estate interests.

(2) All nominations shall be made in writing and shall include (A) the name and address of each nominee, (B) if an operator, his or her license number, and (C) the name, address, and affiliation, if any, of the nominator.

(3) The nominations shall be mailed to the director and shall be made available to the Governor and the director.

**8523.** The board shall organize and elect a president who shall serve for one year.

The board shall meet annually during the month of October.

Special meetings may be called at any time by the president or by any three members of the board, upon notice for such time and in such manner as the board may provide.

**8524.** Four members of the board shall constitute a quorum for the transaction of business, for the performance of any duty, or the exercise of any power or authority of the board.

A vacancy on the board shall not impair the power of the remaining members to perform all duties and exercise all powers of the board providing the members remaining constitute a quorum.

**8525.** The board, subject to the approval of the director, may, in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, adopt, amend, repeal, and enforce reasonably necessary rules and regulations relating to the practice of pest control and its various branches as established by Section 8560 and the administration of this chapter.

**8526.** Each member of the board shall receive a per diem and expenses as provided in Section 103.

**8527.** The board shall adopt and use a seal. The seal shall have the words "Structural Pest Control Board, State of California," and such other devices as the board may desire, engrossed thereon. The registrar shall have the care and custody of the seal.

**8528.** With the approval of the director, the board shall appoint a registrar, fix his or her compensation, and prescribe his or her duties.

The registrar is the executive officer and secretary of the board.

This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

**8529.** The registrar, with the approval of the board and of the director, and subject to the State Civil Service Act, may appoint and fix the compensation of such other assistants as may be necessary.

**8530.** The board, with the approval of the director, may establish the main office of the board, and branch offices of the board in any city of this State.

**8531.** The registrar shall keep a complete record of the board's actions, and shall maintain at the office of the board a complete index record of all applications for licenses and registrations issued, licenses renewed, and all revocations, cancellations, and suspensions of licenses and registrations.

**8531.5.** The board shall prepare minutes of its annual meeting and any special meetings, which shall be permanently maintained at the office of the registrar.

**8532.** Copies of all records and papers in the office of the board, certified by the registrar under the seal of the board shall be received in evidence in all courts of this State in all cases equally and with like effect as the originals of such papers and records.

**8533.** Whenever funds are available for the purpose, the registrar, at the discretion of the board, may publish, or cause to be published, a roster of the individuals licensed and companies registered under the provisions of this chapter. A copy of such roster may be furnished to registered companies and such state agencies as the registrar may select, at such intervals as he or she deems necessary. Copies of the roster may be sold at a price fixed by the board.

**8534.** Whenever funds are available for the purpose, the registrar, at the direction of the board, may publish and disseminate to individuals licensed and companies registered under this chapter and to public officials and other persons interested in the practice of pest control, such information relative to the administration and enforcement of this chapter as the board deems necessary to carry out its purposes.

**8535.** The registrar, and any member of the board, may administer oaths for the purpose of administering this chapter.

**8536.** No manufacturer, his agents or employees, nor any person who is a consultant of or connected with any manufacturer, shall be appointed to the board.

**Article 2.5 Pesticides**  
**Section 8538****8538.**

(a) A registered structural pest control company shall provide the owner, or owner's agent, and tenant of the premises for which the work is to be done with clear written notice which contains the following statements and information using words with common and everyday meaning:

(1) The pest to be controlled.

(2) The pesticide or pesticides proposed to be used, and the active ingredient or ingredients.

(3) "State law requires that you be given the following information: CAUTION--PESTICIDES ARE TOXIC CHEMICALS. Structural Pest Control Companies are registered and regulated by the Structural Pest Control Board, and apply pesticides which are registered and approved for use by the California Department of Pesticide Regulation and the United States Environmental Protection Agency. Registration is granted when the state finds that, based on existing scientific evidence, there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized."

"If within 24 hours following application you experience symptoms similar to common seasonal illness comparable to the flu, contact your physician or poison control center (telephone number) and your pest control company immediately." (This statement shall be modified to include any other symptoms of overexposure which are not typical of influenza.)

"For further information, contact any of the following: Your Pest Control Company (telephone number); for Health Questions--the County Health Department (telephone number); for Application Information--the County Agricultural Commissioner (telephone number) and for Regulatory Information--the Structural Pest Control Board (telephone number and address)."

(4) If a contract for periodic pest control has been executed, the frequency with which the treatment is to be done.

(b) In the case of Branch 1 applications, the notice prescribed by subdivision (a) shall be provided at least 48 hours prior to application unless fumigation follows inspection by less than 48 hours.

In the case of Branch 2 or Branch 3 registered company applications, the notice prescribed by subdivision (a) shall be provided no later than prior to application.

In either case, the notice shall be given to the owner, or owner's agent, and tenant, if there is a tenant, in at least one of the following ways:

(1) First-class mail.

(2) Posting in a conspicuous place on the real property.

(3) Personal delivery.

If the building is commercial or industrial, a notice shall be posted in a conspicuous place, unless the owner or owner's agent objects, in addition to any other notification required by this section.



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**Article 10. Indemnity Bonds**  
**Sections 8697-8697.5**

**8697.** Each company registered under the provisions of this chapter shall maintain a bond executed by an admitted surety insurer in the amount of four thousand dollars (\$4,000).

**8697.2.** The bonds required by this article shall be in favor of the State of California for the benefit of any person who, after entering into a contract with a registered company, is damaged by fraud or dishonesty of the registered company in the performance of the contract, or any person who is damaged as a result of a violation of this chapter by the registered company.

**8697.3.** If, after a hearing conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, a license or company registration is suspended or revoked upon the grounds set forth in Article 7 (commencing with Section 8620) of this chapter, the registrar shall require the applicant, licensee, or registered company, as a condition to the issuance, reissuance, or restoration of the license or company registration, to file a surety bond in the sum to be determined by the registrar based upon the seriousness of the violation, but which sum shall not be less than one thousand dollars (\$1,000) nor more than eight thousand dollars (\$8,000).

The bond required by this section shall be in addition to the bond required by Section 8697 of this article.

Each applicant, licensee, or registered company required to maintain a bond of the type provided in this section shall post such bond with the registrar for a period of at least two years and during such additional time as there may be unsatisfied claims outstanding against the same.

**8697.4.** Upon failure of a licensee or registered company to maintain in full force and effect any bond required by this article the registrar shall issue an order suspending or revoking the license or company registration, which shall not be reinstated until a new bond is filed.

**8697.5.** Such bonds as are required by this article shall be in addition to any bond which may be maintained pursuant to the provisions of Article 9 (commencing with Section 8690) of this chapter.

**Sections 8698-8698.6**

**8698.** The Director of the Department of Pesticide Regulation shall provide oversight for the purposes of carrying out Section 8698.1. The Los Angeles County Agricultural Commissioner, the Orange County Agricultural Commissioner, the Santa Clara County Agricultural Commissioner, or the San Diego County Agricultural Commissioner may perform increased structural fumigation, inspection, and enforcement activities, to be funded by the five dollar (\$5) fee collected pursuant to Section 8698.1.

**8698.1.**

**(a)** Any person who performs a structural fumigation in Los Angeles County, Orange County, Santa Clara County, or San Diego County shall pay to the county agricultural commissioner a fee of five dollars (\$5) for each treatment conducted at a specific building or structure.

**(b)** The fees shall be submitted by the 10th day of the month following the month in which the treatment was performed. The fees shall be accompanied by a copy of a monthly pesticide use report showing the addresses, including the department number if applicable, of all structural fumigations. The report shall be in a form required by the director, identify the name and address of the person or company performing the fumigation, and shall include any other information requested by the director.

**8698.2.** The Director of the Department of Pesticide Regulation may adopt regulations to carry out the provisions of this chapter. In adopting regulations the director shall, in consultation with the Structural Pest Control Board, review recommendations from any individual, including any licensed pest control operator regarding matters which pertain to the use of structural fumigation to control pests. The director shall respond within a reasonable period of time to recommendations which the director deems are practicable and in the interest of the structural pest control industry and the public. The response of the director shall be in writing and shall contain statements regarding reasons for acceptance or rejection of a recommendation.

**8698.3.**

**(a)** The Director of the Department of Pesticide Regulation may levy a civil penalty against a person violating this chapter, including any regulation adopted pursuant to this chapter.

**(b)** Before a civil penalty is levied, the person charged with the violation shall receive notice of the nature of the violation and shall be given an opportunity to be heard, including the right to review the director's evidence and a right to present evidence on his or her own behalf.

**(c)** Review of the decision of the director may be sought by the person against whom the penalty was levied, within 30 days of receiving notice of the decision, pursuant to Section 1094.5 of the Code of Civil Procedure.

**8698.3., continued**

(d) After the exhaustion of the review procedure provided in this section, the director, or his or her representative, may file a certified copy of a final decision of the director that directs the payment of a civil penalty and, if applicable, any order that denies a petition for a writ of administrative mandamus, with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. No fees shall be charged by the clerk of the superior court for the performance of any official service required in connection with the entry of judgment pursuant to this section.

**8698.5.** Any funds collected pursuant to this chapter shall be paid to the county and used for the sole purposes of funding enforcement and training activities directly related to the structural fumigation project created pursuant to Section 8698.

The fees collected under this chapter shall be in addition to, and shall not be used to supplant, any other funds provided to the county agricultural commissioner pursuant to Section 12844 of the Food and Agricultural Code.

**8698.6.** This chapter shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 2014, deletes or extends that date.

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